

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DANIYEL SHABAZZ ABENZUR  
BEY,

*Plaintiff,*

V.

CHICORY COURT MADISON III  
LP,

*Defendant.*



Civil Action No. 3:21-CV-66-X-BT

## ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge concerning this case. [Doc. No. 7]. The plaintiff timely objected,<sup>1</sup> so the Court reviews the Magistrate Judge's findings de novo.

The Magistrate Judge properly concluded that the plaintiff's failure to sign the affidavit needed to support his motion to proceed *in forma pauperis*<sup>2</sup> requires denial of the motion. The plaintiff did not deny in his objection that he failed to sign this affidavit, but instead argued that he did not need to do so for various reasons. None are persuasive.

Based on his objection, the plaintiff appears confused about the meaning of several legal terms and the extent of his own civil rights. The Court is happy to clarify

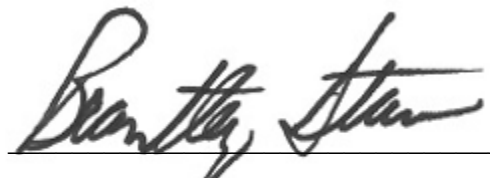
<sup>1</sup> Doc. No. 10.

<sup>2</sup> The Latin phrase *in forma pauperis*, as the Magistrate Judge explained, is a term that refers to a court proceeding undertaken by a litigant who avers that he lacks the funds necessary to pay certain court fees. It does not mean that every plaintiff proceeding *in forma pauperis* is poor, or a prisoner.

both. First, the requirement of an affidavit to proceed *in forma pauperis* is not limited to prisoners.<sup>3</sup> Second, the affidavit requirement does not compel the plaintiff to reveal any financial information because the plaintiff is free to choose not to proceed *in forma pauperis*. Therefore, the affidavit requirement does not violate the Fourth or Fifth Amendment. Third and finally, the plaintiff's statement that the Court must respond to his objection by a certain deadline is not binding. Parties to a lawsuit do not act as their own judge. The Court alone may set and alter deadlines upon a motion from either party.

After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions, and Recommendation of the Magistrate Judge, the Court finds them correct. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted. The plaintiff's insufficient motion to proceed *in forma pauperis* is hereby **DENIED**. The Court will dismiss the plaintiff's complaint in the future if he fails to either pay the \$402.00 filing fee or file a properly supported motion to proceed *in forma pauperis*.

**IT IS SO ORDERED** this 22nd day of February, 2021.

  
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BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> See *Hayes v. Scott*, 116 F.3d 137, 140 (5th Cir. 1997) (holding that the affidavit requirement of 28 U.S.C. § 1915(a)(1) applies to both prisoners and non-prisoners).